

REMARKS-General

The newly drafted independent claims 2, 11 and 15 incorporate all structural limitations of the original claim 1 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 2-20 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

A set of formal drawings will be submitted upon the Notice of Allowance or the next Office Action.

Response to Rejection of Claim 1 under 35USC103

The Examiner rejected claim 1 over Hoshino (US 5,563,395) in view of Zoka (US 6,591,249) and further in view of Goode et al. (US 6,163,272). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Hoshino which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Zoka and Goode at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

Accordingly, these patents fail to suggest the instant invention including the following substantial features.

(i) A header PIN is preset for each of the file sections, wherein **the header PIN has a section number** as a reference of each of the file sections.

(ii) **An encryption section** is provided for holding a set of encrypted data corresponding to **a set of biometrics information of the card holder**.

(iii) **The formation of identity card number** which comprises **the master PIN, a mode of biometrics information for the encryption section, and the section number**, wherein the identity card number is implanted in the personal identity card such that **the master PIN is required to be input as an authorization for verifying the card holder to activate of the personal identity card while the section number is input to selectively execute the corresponding file section**.

(iv) **The formation of header PIN** which comprises **a section identification number** for distinguishing each of the file sections, **a section confidential number** to identify a level of confidentiality of each of the file sections, **a data compression number** indicating a method of data compression, **a file type number** indicating a selection of type of the file section, and **a section status number** denoting a status of each of the file section corresponding to the biometrics information.

(v) **The header PIN and the corresponding biometrics information are required** to be input for executing the file section when the corresponding file section requires biometrics information to be opened.

(vi) **A distress code** is preset in the personal identity card such that when the distress code is input, a distress signal is sent out to a destined location for help.

(vii) **The distress code** is combined with **the master PIN and biometrics information** of the card holder such that when the master PIN and the respective biometrics information are input, the distress signal is activated to be sent out.

Accordingly, Hoshino merely teaches a card type storage medium comprising a storage unit having a file area 622-1 wherein, in column 21, lines 8-10, the data file creating unit 631 set the control information units 623-1, including pins, points and files names of the respective data files 622-1. However, **Hoshino fails to teach and suggest**

the formation of the header PIN and how to access the respective file section by the header PIN. Hoshino merely suggests, in column 21, lines 49-52, when the master PIN matching unit 635 judges that the two PINs are in agreement, the dedicated file access unit 636 executes an access process on the dedicated file 624 without any mention of any formation of the master PIN and how the master PIN incorporates with the header PIN and the biometrics information of the card holder in order to verify whether the user is the true card holder. Therefore, Hoshino does not suggest any relationship the header PIN and the master PIN and how to verify the user by the header PIN and the master PIN, and the biometric information. In other words, it is a totally different conception between Hoshino and the instant invention

Zoka, on the other hand, merely discloses a method of establishing a security system relying on biometric identification without any mention of any biometric information of the card holder pre-stored in a file section of a card to incorporate with the header PIN and the master Pin.

Goode merely discloses a method for managing the personal identification numbers of customers as well as customer authorization access wherein the master PIN is assigned to a household such that the holder of the master PIN may assign subaccount PINs to various members of the household. The applicant respectfully submits the master PIN of the instant invention is not equivalent to the master PIN of Goode. The master PIN of Goode is used as a master key to access various members of the household. However, the master PIN of the instant invention, which has a specific formation, is used as an authorization for verifying the card holder to activate of the personal identity card before executing the file section therein.

Moreover, all Hoshino, Zoka and Goode fail to teach and suggest any distress signal sent out to a destined location for help when a distress code is input. In addition, the distress code is formed by combining the master PIN with the biometrics information of the card holder.

The Examiner appears to reason that since Hoshino teaches that a card type storage medium having a file area, it would have been obvious to one skilled in the art to modify the card type storage medium to contain biometric identification taught by Zoka through the managing method taught by Goode. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in

the reference that suggests the combination or the modification. See *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.")

In any case, even combining Hoshino, Zoka and Goode would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed."). That is, modifying Hoshino with Zoka and Goode, as proposed by the Examiner, would not provide a method of inputting secure personal information in a personal identity card for a card holder with the above distinctive features (i) to (vii) as claimed in the instant invention.

Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

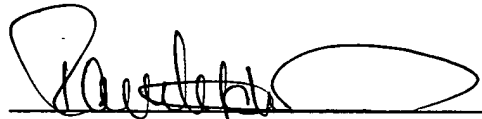
The Cited but Non-Applied References

The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 2-20 at an early date is solicited.

Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 03/03/2005

Signature: 
Person Signing: Steven Cheung

DRAWING AMENDMENTS

The drawings are objected because they do not include the reference signs mention the description: step (1), (2), etc. The amended drawings will be submitted upon the Notice of Allowance or the next Office Action.